

REMARKS

Reconsideration and withdrawal of the Examiner's rejections under nonstatutory double patenting and 35 USC§103(a) is requested in view of the foregoing amendments and the following remarks.

DETAILED ACTION

Double Patenting

The examiner has rejected claim 7 under the judicially created doctrine of double patenting over claims 1-7 of U.S. Patent No. 6709017. In response, applicants have cancelled claim 7 without prejudice.

35 USC §103

The examiner has rejected claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over Credit, asserting that Credit discloses the claimed invention except for complimentary graphics formed on its back wall, that Official Notice is taken of the use of graphics formed on the walls of containers to convey information or to improve the aesthetic appeal of the container and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use graphics on the back wall of the assembly of Credit since the use of such is old and well known in the art.

The examiner further asserts that in regard to claims 5 and 6, it would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made to form the assembly such that the claimed removal force is needed, since applicant has not disclosed that this solves any stated problem or is for any particular purpose.

In response, applicants have amended independent claim 1 to clearly distinguish the instant invention from Credit. Support for this amendment is found on page 2, lines 18-19 where the wall underlying the label may contain label information or graphics. Credit discloses a mirror message label system comprising a transparent plate mirror body having a viewable surface disposed on one side thereof and a reflecting surface disposed on the other side thereof with a flexible planar label provided on one side of the plate mirror body wherein indicia disposed on the front side of the label is reflected on the opposite side of the transparent plate

mirror body. The effects sought to be achieved is that simultaneous viewing of indicia disposed on the front side of the label and the mirror image of the complimentary indicia disposed on the backside of the label is simultaneously viewable to the observer. Credit teaches away from the instant invention as currently claimed for two specific and independent reasons.

Firstly, the Credit does not disclose or suggest graphics on the wall of the container immediately adjacent to the label. Instead, Credit achieves a very different effect, i.e., the reflection of the underside of the label using a mirror surface disposed on the opposite side of the viewing body. The "opposite side of the viewing body" is not the same as or analogous to a "wall affixed to a label" as claimed in the instant case. Having graphics on the wall of the body immediately underlying the label would defeat the purpose of Credit and therefore would teach away from the instant invention as claimed with respect to this aspect.

Secondly, Credit teaches that for the effect of the mirror image to be viewable, the label must remain on the wall of the container or viewing body. The instant claims require, however, that the wall remains intact when the label is removed. The wall in the instant case includes indicia or graphics that adhere to the wall immediately underlying the label. The skilled person would not be motivated to remove the label from the disclosure by Credit because the entire effect that is disclosed by Credit relies on the label remaining intact and adhering to the mirror viewing body.

Applicants have surprisingly found that container graphics can have an enhanced aesthetic appearance when it is possible to remove a translucent or transparent label adhering to the wall of a container without destroying the graphics adhered to the wall of the container immediately underlying the label as claimed presently. In this way, a container can be sold with a complete label containing all the verbiage required to convey the contents thereof and other legal requirements that go along with the sale of such product but can allow the consumer to remove the unattractive verbiage while retaining a container with pleasant aesthetics.

Prior Art Made of Record

The prior art made of record and not relied upon is stated to be considered pertinent to applicant's disclosure by the examiner. Applicants have carefully considered this prior art and respectfully assert that such prior art does not correct the deficiencies of Credit with respect to anticipating or making obvious pending claims 1-5.

CONCLUSION

In summary, claim 1 has been amended, claim 7 has been cancelled without prejudice and claim 6 has been cancelled as being redundant to claim 5. Reconsideration and allowance of the application is respectfully requested. In light of the above amendments and remarks, applicants submit that all claims now pending in the present application are in condition for allowance.

If a telephone interview would facilitate prosecution of the application, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Alan A. Bornstein". The signature is written in black ink and is positioned above a horizontal line.

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